

Sims,
Stephens,
Tyler,
Upshaw,
Woodward.

Lane,
Maetze,
Morris,
Pope,
Seale,

ABSENT—1.

Simkins.

The bill as amended was ordered engrossed.

Senator Townsend entered a motion to reconsider the vote just taken.

Senator Pope entered a motion to lay that motion on the table.

The President made the following references of House bills:

House bill No. 28 to Judiciary Committee No. 2.

House bill No. 20 to Judiciary Committee No. 1.

Substitute House bill No. 22 to Judiciary Committee No. 1.

Substitute House bill No. 187 to Judiciary Committee No. 1.

Substitute House bill No. 8 to Judiciary Committee No. 2.

Substitute House bill No. 62 to Judiciary Committee No. 2.

Substitute House bill No. 126 to Judiciary Committee No. 2.

Substitute House bill No. 143 to Judiciary Committee No. 2.

On motion of Senator Armistead,
The Senate adjourned till 10 o'clock to-morrow morning by the following vote:

YEAS—14.

Allen,
Armistead,
Atlee,
Borges,
Cranford,
Davis,
Ingram,

Jarvis,
Johnson,
Maetze,
McDonald,
Seale,
Townsend,
Upshaw.

NAYS—13.

Abercrombie,
Burney,
Frank,
Glasscock,
Kimbrough,
Lane,
Morris,

Pope,
Simkins,
Sims,
Stephens,
Tyler,
Woodward.

ABSENT—1.

Claiborne.

TWENTIETH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Jan. 30, 1889. }

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Jarvis:

Petition of volunteer firemen of Texas, asking to be relieved from jury service.

Referred to Committee on State Affairs.

By Senator Stephens:

Memorial from citizens of Greer county, praying the Legislature to recognize the rights of settlers of Greer county to secure their lands and improvements under the general land laws of this State.

Referred to Committee on Public Lands.

By Senator Frank:

Petition of twenty citizens of Erath county, protesting against the creation of the office of county superintendent of public education in Erath county.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

By Senator Townsend:

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Buildings and Grounds, to whom was referred

Concurrent resolution No. 1, entitled "For the purpose of appointing a joint committee of two from the Senate and three from the House to ascertain and report the advisability of purchasing additional land on north side of the capitol,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TOWNSEND,
Chairman.

Resolution read first time.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 101, entitled "An act to facilitate the giving of bonds required by law,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the accompanying amendments, viz:

Amend section 1 of the bill by adding the following: "Provided, that articles Nos. 2930, 2942a, 2943, 2949, 2950 and 2951 of the Revised Civil Statutes of Texas governing life and fire insurance companies shall, as far as applicable, apply to all companies doing business in this State under the provisions of this bill."

Amendment No. 2—"Add to section 2: Provided, no State, county or municipal officer in this State shall give the security provided for in this act on any bond he may be required to enter into under the laws of this State, nor shall this act apply to persons required to give bail bonds."

Amendment No. 3—Amend by adding:

Section 3. Every security company which shall desire to comply with the provisions of this act and to do business in this State shall furnish to each and every agent it may empower to sign its name as surety, as herein provided, a written power of attorney to act for the company and record the same in the deed records of the county, and the said record or a certified copy thereof shall be admissible in evidence in all the courts of this State.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 161, entitled "An act to amend articles 4739, 4740 and 4741, title 95, chapter 4, of the Revised Statutes, regulating the collection of taxes,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to Committee on Finance.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Referred to Finance Committee.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 156, entitled "An act to amend articles 4115 and 4118, title 84, chapter 3, Revised Statutes, regulating railroads,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do be referred to Committee on Internal Improvements.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Referred to Committee on Internal Improvements.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 159, entitled "An act to amend articles 587 and 589 of the Revised Statutes, regulating private corporations,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to Committee on Internal Improvements.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Referred to Committee on Internal Improvements.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 160, entitled "An act to amend article 4142, Revised Statutes

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do be referred to Committee on Internal Improvements.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Referred to Committee on Internal Improvements.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 150, entitled "An act to prevent levies upon work stock and corn necessary for family use and for the feed of said stock,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

Senator Simkins gave notice of his intention to file a minority report on the bill.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 63, entitled "An act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes of the State of Texas, as amended by the Twentieth Legislature, approved April 20, 1888,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do be considered in connection with Senate bill No. 75.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 90, entitled "An act to amend section 9 of an act entitled an act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder, approved March 24, A. D. 1879,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that all property mortgaged or transferred in contem-

plation of an assignment with intent to delay or defraud creditors or to give preference to one creditor over another, shall pass to the assignee. In case the assignee refuse to act then any creditor in the name of the assignee can sue for the property so transferred.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 88, entitled "An act to amend title XX of the Revised Civil Statutes of Texas, by amending article 566, chapter 2 of said title by adding 594a,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do be referred back to the Senate to be considered in connection with Senate bill No. 75.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Substitute House bills Nos. 22 and 187, entitled "An act to amend article 2979, of title 54, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides for fixing the penalty for violating the usury law by a forfeiture of all the interest and one-half the principal.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate joint resolution No. 12, authorizing the Attorney-General to bring suit for the State for the violation of the State's copyright to the Supreme Court and Court of Appeals reports and to make an appropriation therefor.

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

Provisions of the resolution set forth in the title.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 140, entitled "An act to amend article 375, title 17, of the Revised Civil Statutes of the State of Texas, as amended by an act approved on twenty-seventh of March, 1885."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 55, entitled "An act to provide for the speedy and efficient enforcement of liens of mechanics, contractors, builders and material men,"

Have had the same under consideration, and instruct me to report it back to the Senate with the accompanying substitute, with the recommendation that the substitute do pass.

Caption of the substitute same as that of the bill.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time, with substitute.

By Senator Stephens:

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. —, being "An act to reorganize the Thirty-first, Thirty-second and Thirty-ninth judicial districts of Texas, to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in the Forty-sixth and Forty-seventh judicial districts, and to repeal all laws in conflict herewith,"

And find the same correctly engrossed.

STEPHENS,
Acting Chairman.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 32, being "An act to amend chapter 4, title XCIII, Revised Civil Statutes of the State of Texas, by adding thereto another article, to be known as article 4610a, relating to the mode of preventing certain animals from running at large in counties and subdivisions,"

And find the same correctly engrossed.

STEPHENS,
Acting Chairman.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 11, being "An act to amend article 1192 of the Revised Civil Statutes,"

And find the same correctly engrossed.

STEPHENS,
Acting Chairman.

By Senator Lane:

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

Senate bill No. 168, entitled "An act

to regulate travel upon the public roads of this State, and providing a penalty for violating the same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

LANE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

Senate bill No. 135, entitled "An act to amend an act entitled an act to amend article 4367 of the Revised Statutes, approved March 31, 1885,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

LANE,
Chairman.

Bill read first time.

By Senator Abercrombie:

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 98, entitled "An act to amend article 76, chapter 5, title 2, of the Code of Criminal Procedure of the State of Texas,"

Which seeks to give justices of the peace exclusive original jurisdiction in all criminal suits in which the punishment is by fine only, of not more than two hundred dollars, except in cases involving criminal misconduct,

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 108, entitled "An act to create article 216a and 216b of title 4, chapter 2 of the Code of Criminal Procedure of the State of Texas, which seeks to fix the venue of suits in prosecutions against accomplices and accessories to the crime of theft, and against persons receiving or concealing stolen goods,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 28, entitled, "An act to prevent minors from gaming,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 127, entitled "An act to require butchers and slaughterers of cattle to give a bond and to prescribe a punishment for violating the conditions of the same, and to prevent the unlawful slaughtering and selling of cattle,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the accompanying amendments.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time, with amendments.

COMMITTEE AMENDMENTS.

Amend section 1, as follows:

Strike out all after the word "and" in line 19, down to and inclusive of the word "thirty" in line 22, and insert in lieu thereof the following: "That he will have the hide and ears of such animal inspected by the inspector or some magistrate of the county within five."

Amend section 3, as follows:

Strike out the word "keep" in line 11, and insert in lieu thereof the word "have."

Strike out the word "for thirty" in line 12, and insert in lieu thereof the following: "Inspected by the inspector or some magistrate of the county within five."

Add section 9 to the bill:

Section 9. It shall be the duty of the inspector or magistrate who inspects such hides as are mentioned in this act to keep a record of the marks, brands, color and a general description of such hide, and for whom inspected, with the date of such inspection; and return the same to the clerk of the county court within ten days after such inspection; and shall be entitled to receive the sum of twenty-five cents for each hide so inspected, to be paid by the party having the hide inspected. And any inspector or magistrate who shall fail to keep such record, or shall fail to make such report to the county clerk as provided in this act, shall be deemed guilty of a misdemeanor, and, on conviction, may be fined in any sum not less than five nor more than twenty dollars for each hide that he shall fail to inspect or report as provided in this act.

COMMITTEE ROOM,

AUSTIN, January 29, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Substitute House bills Nos. 8, 62, 126, 143, entitled "An act to provide for giving notice of attachments levied upon real estate."

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it be referred to Judiciary Committee No. 1.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Referred to Judiciary Committee No. 1.

By Senator Woodward:

COMMITTEE ROOM,

AUSTIN, January 30, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on County and County Boundaries, to whom was referred

Senate bill No. 191, entitled "An act to define, fix and establish the boundary line of Brewster and Jeff Davis counties,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

WOODWARD,
Chairman.

Bill read first time.

The President gave notice of signing, and did sign in open Senate,

Senate bill No. 3, a bill to be entitled "An act to amend an act entitled an act to amend article 318, chapter 4, title 9, of the Penal Code of the State of Texas, passed by the Twentieth Legislature, and approved February 24, 1887."

BILLS AND RESOLUTIONS.

By Senator Abercrombie:

Resolved by the Senate, the House of Representatives concurring, That a joint committee of seven, consisting of three (3) members of the Senate and four (4) of the House of Representatives be appointed by the presiding officers of each House respectively, whose duty it shall be to visit, as early as practicable, the Agricultural and Mechanical College, at Bryan, the Sam Houston Normal Institute, at Huntsville, and the Prairie View Normal School, at Prairie View, to examine into and report to this Legislature as to the condition and management of said schools, and the State's properties used in connection therewith, together with such suggestions and recommendations as may be deemed proper.

Adopted.

On motion of Senator Stephens, Senate bill No. 108 was made the special order for Wednesday after morning call, and Senate bill No. 127 was made the special order for Friday after morning call.

On motion of Senator Glasscock, Senate bills Nos. 79 and 91, with the committee substitute offered for both,

were made the special order for Monday after morning call.

On motion of Senator Kimbrough, Senate bill No. 55 was made the special order for Tuesday after morning call.

MESSAGES FROM THE HOUSE.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 30, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that a motion has been entered upon the journal of the House to reconsider the vote by which

Senate bill No. 3, a bill to be entitled "An act to amend an act to amend article 318, chapter 4, title 9, of the Penal Code of the State of Texas, passed by the Twentieth Legislature, and approved February 24, 1887," passed the House; and

The Senate is respectfully requested to return said bill to the House for further consideration.

The House has concurred in the Senate amendment to the joint resolution providing for a joint committee to visit the penitentiaries, etc., and

Messrs. McGehee of Hays, Parker of Fort Bend, Brown of Johnson, Campbell of Grimes and Johnson of Anderson have been appointed on such committee on the part of the House.

The House has passed Senate bill No. 23, a bill to be entitled "An act making an appropriation for the support of the house of correction and reformatory at Gatesville, for the months of January and February, 1889," by a two-thirds vote (yeas 85, nays 7), with four amendments.

W. M. IMBODEN,
Chief Clerk House of Representatives.

Senator Armistead moved that the Senate comply with the request made by the House by returning Senate bill No. 3.

Adopted.

On motion of Senator Tyler,

The Senate concurred in the House amendments to substitute Senate bill No. 23, to be entitled "An act to make an appropriation for the house of correction and reformatory at Gatesville for the months of January and February."

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, January 30, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has taken up and tabled the motion entered upon the Journal to reconsider the vote by which Senate bill No. 3 passed the House, and

The bill is returned to the Senate herewith.

W. M. IMBODEN,
Chief Clerk House of Representatives.

BILLS AND RESOLUTIONS.

By Senator Burney:

A bill to be entitled "An act to encourage irrigation and to provide for the construction and maintenance of canals, ditches, flumes, reservoirs and wells for irrigation and for mining, milling and stockraising."

[This bill provides that the unappropriated waters of every river, natural stream or lake within the arid portions of the State where irrigation is necessary for agricultural purposes, may be diverted from its natural channel for irrigation, provided this does not trespass upon those who hold a possessory right of those who own adjacent lands; that corporations may be formed for constructing and maintaining canals, ditches, etc., as herein provided; that such corporations be granted right of way, not to exceed one hundred feet in width, over all public, university, school and asylum lands of the State, and may obtain right of way over private lands, as railroads do; that charges of said corporations be controlled by the provisions of this act; that said corporations shall not flow lands to their detriment without consent of owners thereof.]

Referred to Committee on Mining, Irrigation, etc.

By Senator Davis:

A bill to be entitled "An act to amend article 4520 of chapter 1, title XCI, of the Revised Civil Statutes of the State of Texas."

[This bill seeks to amend by requiring sheriffs, by writing, to appoint their deputies, and it provides that the number of deputies shall be limited to three in the justice precinct in which is located the county seat, and to one additional deputy for each five thousand inhabitants in such county.]

Referred to Judiciary Committee No. 1.

By Senator Cranford, by request:

Joint resolution to amend section 10 of article 1 of the Constitution of the State of Texas.

[This resolution provides that in criminal prosecutions the accused shall have compulsory process for witnesses in his favor whose evidence is material to his defense, and that no person shall be held to answer for a criminal offense unless on an indictment of a grand jury, except in cases in which the punishment is of less grade than for felony, etc.]

Referred to Judiciary Committee No. 1.

By Senator Cranford:

A bill to be entitled "An act to amend article 1061b of the Code of Criminal Procedure of the State of Texas."

[This bill provides that witnesses required to give evidence in felony cases beyond the limits of their own counties shall be allowed fees, to be paid by the State, as follows: Three cents per mile each way, and one dollar per day while in actual attendance upon the court. The bill limits such witnesses to two for any part of the proof, and further limits and describes such proceedings.]

Referred to Judiciary Committee No. 2.

By Senator Cranford:

A bill to be entitled "An act to amend article 1054 of the Code of Criminal Procedure of the State of Texas."

[This bill provides that the sheriff, or constable, shall receive fees as herein provided in cases of felony, whether the defendant be acquitted or convicted or the case disposed of by *nolle prosequere*, or upon judgment of dismissal, which fees shall be paid when the case has been disposed of, and it seeks to more fully define and also to change the fees in such cases.]

Referred to Judiciary Committee No. 2.

Senate bill No. 13, a bill to be entitled "An act to amend chapter 4, title XCV, of the Revised Civil Statutes of the State of Texas, by adding thereto article 4761a,"

Being the first special order, was

Taken up and read the third time.

Senator Maetze moved to amend as follows:

In article 4761a, line 3, after the words "tax collectors" insert "except so much thereof as goes to the available school fund," and after the word "all" insert "other."

Senator Cranford offered the following substitute for the amendment:

Amend section 1 by adding the following:

"Provided further, that the pro rata of the available school fund of any county for any current scholastic year shall not be required to be paid into the State treasury, but the same may be paid into the county treasury."

Accepted.

Senators Maetze, Burges, Sims, Atlee and Cranford advocated the passage of the amendment, and

Senators Jarvis, Lane, Glasscock and Burney opposed it.

The amendment was adopted by the following vote.

YEAS—18.

Allen,	Kimbrough,
Atlee,	Maetze,
Burges,	Morris,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Harrison,	Tyler,
Ingram,	Upshaw,
Johnson,	Woodward.

NAYS—11.

Abercromble,	Lane,
Armistead,	McDonald,
Burney,	Seale,
Frank,	Stephens,
Glasscock,	Townsend.
Jarvis,	

The Senate refused to pass the bill by the following vote:

YEAS—9.

Abercromble,	Lane,
Armistead,	Jarvis,
Burney,	McDonald,
Frank,	Seale.
Glasscock,	

NAYS—20.

Allen,	Maetze,
Atlee,	Morris,
Burges,	Pope,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Harrison,	Townsend,
Ingram,	Upshaw,
Johnson,	Tyler,
Kimbrough,	Woodward.

Senator Townsend entered a motion to reconsider the vote just taken.

On motion of Senator McDonald,

The special order was suspended by unanimous consent of the Senate, and

Senate joint resolution No. 12, authorizing the Attorney-General to bring suit for the State for the violation of the State copyright to the Supreme Court and the Court of Appeals reports, and to make an appropriation therefor.

Was taken up out of its regular order.

On motion of Senator McDonald, The constitutional rule was suspended and

The bill was placed on its second reading by the following vote:

YEAS—27.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Frank,	Sims,
Glasscock,	Stephens,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.
Johnson,	

NAYS—None.

ABSENT—2.

Atlee, Townsend.

The resolution was ordered engrossed.

On motion of Senator McDonald,

The constitutional rule was further suspended, and

The resolution was placed on its third reading and final passage by the following vote:

YEAS—26.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Frank,	Sims,
Glasscock,	Stephens,
Harrison,	Tyler,
Ingram,	Woodward.

NAYS—2.

Jarvis, Upshaw.

ABSENT—1.

Townsend.

The resolution was read the third time and

Passed by the following vote:

YEAS—26.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Frank,	Stephens,
Glasscock,	Tyler,
Harrison,	Woodward.
Johnson,	

NAYS—2.

Jarvis, Upshaw.

ABSENT—1.

Townsend.

On motion of Senator Tyler, The special order was further suspended and

Senate bill No. 184, a bill to be entitled "An act to fix the times of holding the district court in the Twenty-ninth judicial district of the State of Texas, and to provide for the issuance and return of process therein, and to repeal all laws in conflict with this act."

Was taken up out of its regular order and ordered engrossed.

On motion of Senator Tyler,

The constitutional rule was suspended and

The bill was placed on its third reading and final passage, by the following vote:

YEAS—28.

Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Frank,	Sims,
Glasscock,	Stephens,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.
Johnson,	

NAYS—None.

ABSENT—1.

Townsend.

The bill was read the third time and

Passed by the following vote:

YEAS—26.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetz,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Frank,	Sims,
Glasscock,	Stephens,
Harrison,	Tyler,
Jarvis,	Woodward.

NAYS—None.

Senator Pope offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to secure the services of some competent person to investigate the acoustics of the Senate Chamber and to provide whatever means may be necessary to improve the same, the expense of any improvement to be paid out of the contingent fund.

Adopted.

By leave,
Senator Stephens sent up a petition from the citizens of Baylor county, requesting the State to purchase Sayles' Statutes for the use of the officers of the State.

Referred to Judiciary Committee No. 1.

Senator Davis sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, January 30, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 3, entitled "An act to amend an act to amend article 318, chapter 4, title 9 of the Penal Code of the State of Texas, passed by the Twentieth Legislature, and approved February 24th, 1887,"

And find the same correctly enrolled, and have this day, at 11:30 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,
Chairman.

On motion of Senator Simkins,
The special order was suspended,
and

Senate bill No. 158, a bill to be entitled "An act to amend article 2838 of the Revised Statutes,"

Was laid before the Senate and
Read the second time and ordered engrossed.

On motion of Senator Armistead,
The special order was further suspended, and

House bill No. 122, a bill to be entitled "An act to make all negotiable bonds and coupons held by the State of Texas in trust for its public institutions non-negotiable,"

Was laid before the Senate and
Read the second time with a favorable committee report.

The bill passed to its third reading.
On motion of Senator Burney,
The constitutional rule was suspended, and

The bill was placed on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Harrison,	Woodward.
Jarvis,	

NAYS—None.

ABSENT—2.

Pope, Townsend.

The bill was read the third time and
Passed by the following vote:

YEAS—27.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Davis,	Sims,
Frank,	Stephens,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

NAYS—None.

ABSENT—2.

Pope, Townsend.

Senator Abercrombie moved to reconsider the vote by which his resolution providing for a committee to visit schools was adopted by the Senate.

Adopted.

Senator Abercrombie offered the following amendment to the resolution:

Amend by adding the following: "Said committee is authorized to employ a clerk, who shall attend said committee in discharge of its duties and be under its control. Said clerk shall receive five dollars per day and actual expenses while so actually engaged. Expenses to be paid out of contingent fund."

Adopted.

The resolution as amended was adopted.

By leave,

Senator Upshaw sent up the following bill:

A bill to be entitled "An act to amend article 3597 of the Revised Civil Statutes of the State of Texas."

[This bill provides that when a convict who has been committed to jail in default of payment of fine and costs is required to do manual labor he shall be credited upon such fine and cost at the rate of twenty-five cents for each day he may labor, and upon satisfaction of same he shall be discharged.]

Referred to Judiciary Committee No. 1.

Senate bill No. 21, a bill to be entitled "An act to provide for the better assessment of personal or movable property in the State of Texas, liable or subject to taxation under the laws of the State,"

The second special order was laid before the Senate, and

On motion of Senator Armistead

The Senate adjourned till 10 o'clock to-morrow morning.

TWENTY-FIRST DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Jan. 31, 1889. }

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kimbrough,

The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stevens:

Memorial from the citizens of Wilbarger county, relating to new judicial districts in the Panhandle.

Referred to Committee on Judicial Districts.

By Senator Maetze:

Resolutions of Waller County Farmers' Alliance, requesting the passage of a railroad commission law.

Referred to Committee on Internal Improvements.

By Senator Claiborne:

Resolutions of the Farmers' Alliance of Clay county, requesting the passage of a railroad commission law.

Referred to Committee on Internal Improvements.

By Senator Upshaw:

Resolutions of Ellis County Farmers' Alliance, asking the Twenty-first Legislature to pass a railroad commission law.

Referred to Committee on Internal Improvements.

On motion of Senator Armistead, Mr. Henderson, the Assistant Sergeant-at-Arms was excused to-day, on account of sickness.

On motion of Senator Claiborne, Senator Ingram was excused for to-day, on account of sickness.

On motion of Senator Upshaw, Senator Morris was excused for to-day, on account of important business.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, January 31, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate joint resolution No. 12, being an act to authorize the Attorney-General to bring suit for the State for the violation of the State's copyright to the Supreme Court and Court of Appeals reports and to make an appropriation therefor.

And find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator Lane: